

REMARKS

The Examiner is thanked for the careful review of this application. Applicant has thoroughly reviewed the outstanding Office Action including the references cited therein. The following remarks are believed to be fully responsive to the Office
5 Action and to render all claims at issue patentably distinguishable over cited reference.

Present Status of Application

The Office Action rejected all claim 1-10 under 35 USC 102 (e) as being anticipated
10 by Osawa (US 2003/0223323). However, Applicant traverses the rejection and request reconsideration of all rejected claims.

Discussion of Office Action Rejections

Rejection of claims 1-10 based on 35 USC 102 (e)

15 Claims 1-10 are rejected under 35 U.S.C.102 (e) as being anticipated by Osawa (US 2003/0223323).

The Office Action alleged that Osawa discloses an ejecting device for moving out a loading tray of an optical disk which consists of means for applying a first force to the loading tray when the optical disk is on the loading tray and applying a greater
20 force to the tray when the disk is not on the tray.

However, what the cited art, Osawa (JP), disclosed actually is an ejecting device for measuring a time from timing (timing t2 showing in FIG. 7) until timing (timing t3 showing in FIG. 7) when a tray is ejected from the main body by a predetermined amount, then *determines a timing for applying a brake by using the measured time*.
25 Specifically, in the section [0049-0061] of the cited art, a *fixed* chucking cancellation voltage (v1) is applied to a DC motor for generating a torque between timing (t1) and timing (t2), then a holding voltage (v2) is applied to a DC motor and a control unit starts the measurement of time (t2-t3), and then a brake timing can be calculated and be applied to the DC motor according to the measured time. In this way, the timing
30 for applying the brake can be determined in correspondence with the magnitude of the

load of the tray. In other word, the cited ejecting device uses a fixed force (v1) to eject the tray no mater the magnitude of the load is larger or smaller, and then applying *different brake timing (or force)* to the tray without affected by the magnitude of the load.

5 In contrast, Applicant disclosed a method to eject a tray. In the disclosed method, whether an optical disk is placed on the loading tray or not is determined first; if the optical disk is placed on the loading tray, apply a first forcing function to the loading tray; otherwise, apply a second forcing function to the loading tray; wherein *an initial force of the second forcing function* is larger than *an initial force of the first forcing*
10 *function*. That is to say the ejecting device of the present invention using *different initial forces* to eject the tray. For example, to overcome the greater magnetic attraction generated from a close contact between a spindle motor and a clamping device (no disk placed on the tray), a higher initial force of the second forcing function is applied to the tray. Or, a smaller initial force of the first forcing function is applied to
15 the tray to overcome the smaller magnetic attraction generated from a non-close contact between a spindle motor and a clamping device (disk placed on the tray).

Therefore, the cited art, Osawa (JP), fails to disclose at least different initial forces claimed in claim 1 and 7, and claim 1 and 7 should be allowed for at least this reason.

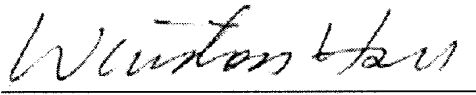
20 Moreover, since claim 2-6 and 8-10 depend from claim 1 and 7, they patently define over the cited art, Osawa (JP), at least the same reason.

Conclusion

In light of the above remarks, Applicant respectfully submits that all claim
25 1-10 as originally presented are in condition for allowance and hereby requests reconsideration and allowance of these claims.

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Sincerely yours,



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